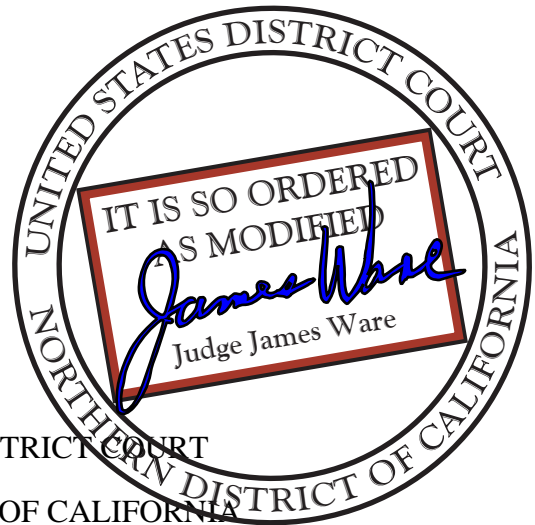


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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION



CERVANTES, et. al.,
Plaintiff,
vs.

Case No.: **5:08-cv-03817-JW**

LIU CHENG INC., et. al.,
Defendants.

**STIPULATION TO REFER MATTER
TO AN EARLY SETTLEMENT
CONFERENCE; AND
[PROPOSED] ORDER THEREON**

The parties through their respective counsel hereby request that this Court refer them to an Early Settlement Conference before a Magistrate Judge within forty-five (45) days of entry of this Order or as soon thereafter as the schedule of the assigned Magistrate Judge will allow.

The Court-ordered discovery deadline has run. At this point, the parties have conducted extensive discovery. The facts on the records, although not devoid of disputes, are sufficiently developed to facilitate the parties' engagement in final efforts for settlement before the parties begin preparations for trial, which inevitably would be intensive and time consuming and would drive up costs and fees on both sides.

The parties have also engaged in a court-sponsored mediation. At mediation, much progress was made toward settlement, although resolution of the matter was not ultimately achieved. It is clear to both sides that if this matter does not settle promptly, trial will be imminent.

1 Given that extensive time and effort has already been invested in this matter, and that
2 undoubtedly much more will be spent in preparation for trial, the parties agree that now is the time
3 to push toward settlement in this matter. Further, given that the parties were able to make progress
4 toward resolution of the matter during the mediation, they are optimistic that an agreement will be
5 reached at the settlement conference.

6 Therefore, the parties request that an Early Settlement Conference be scheduled within
7 forty-five (45) days of entry of this Order.

8
9 Respectfully submitted,

10 Dated: November 3, 2009

11 By: /s/Adam Wang
12 ADAM WANG
Attorney for Plaintiffs

13 Dated: November 3, 2009

14 By: /s/ D. Austin Hare
15 D. AUSTIN HARE
Attorney for Defendants

16
17 **[PROPOSED] ORDER**

18 GOOD CAUSE APPEARING, and pursuant to the parties' stipulation and ADR Local
19 Rule 7-2, IT IS HEREBY ORDERED that this matter be referred to an Early Settlement
20 Conference before the Magistrate Judge Trumbull. Within ten (10) days from the date of this Order
21 the parties shall contact Judge Trumbull's Chambers to schedule their conference.

22
23 Dated: November 19, 2009

24 James Ware
25 JAMES WARE
United States District Judge